

RM 8577

DOCKET FILE COPY ORIGINAL

ADMINISTRATION BUILDING
SUITE 315, 3501 CIVIC CENTER DR.
SAN RAFAEL, CALIFORNIA 94903-4193
TELEPHONE (415) 499-7331
FAX (415) 499-3645
TDD (415) 499-6172



THE BOARD OF SUPERVISORS OF MARIN COUNTY

April 18, 1995

William F. Canton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20036

RECEIVED
APR 27 1995
FCC MAIL ROOM

RE: Opposition to Cellular Telecommunications Industry Association request for
Amendment of Commission's Rules to Pre-empt State and Local Governments from
Enforcing Zoning and Similar Regulations

Marin County strongly opposes the petition of the Cellular Telecommunications Industry Association which requests the Federal Communications Commission (F.C.C.) set rules pre-empting State and Local Government from enforcing planning and zoning regulations for location and construction of new towers for Commercial Mobile Radio Service (CMRS) providers.

The proposed regulations would eliminate local control and severely restrict the ability of State and Local Government to resolve local land use issues in the Community, where they are best understood and most efficiently handled, instead transferring local issues to decision-makers thousands of miles away in Washington D.C. The proposed pre-emption rule erroneously assumes that communities routinely deny permits or unreasonably delay placement of facilities or extension of communication services. However, this is not the case. The Marin County Board of Supervisors is not aware of any instances where local permits have been denied or facilities installation unreasonably delayed as a result of land use permit considerations by County Decision-makers.

Marin County has taken a very forward looking and supportive approach in local policies adopted to accommodate telecommunications facilities and to oversee their location and placement. In response to the tremendous sustained and projected growth in the telecommunications industry (including F.C.C. projections of 88% to 235% growth in land, mobile, and microwave facilities by the year 2000), in 1990 Marin County adopted a comprehensive Telecommunications Facilities Policy Plan. This Plan finds that telecommunications facilities are necessary for the quality of life and economic well-being of the people of Marin because such facilities provide necessary services ranging from radio and television to radio communications with emergency response vehicles. The Plan also recognizes that such facilities have the potential for important adverse impacts of substantial local concern including land use incompatibility, visual impacts, and health and safety effects. The policies in the County's Plan provide reasonable mitigation to reduce or eliminate these impacts.

No. of Copies rec'd 0211
List A B C D E

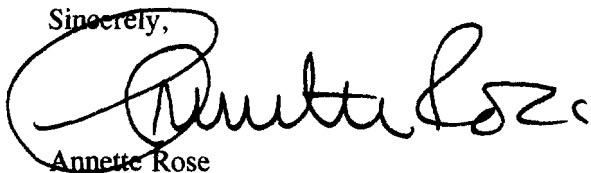
	VICE-PRESIDENT	PRESIDENT		2ND VICE-PRESIDENT	CLERK
JOHN KRESS	HAROLD C. BROWN	ANNETTE ROSE	GARY GIACOMINI	HARRY J. MOORE	
SAN RAFAEL	SAN ANSELMO	SAUSALITO	SAN GERONIMO	NOVATO	REGULAR MEETING
1ST DISTRICT	2ND DISTRICT	3RD DISTRICT	4TH DISTRICT	5TH DISTRICT	TUESDAY, 9 A.M.

The County's Telecommunication Policy Plan provides for three types of planning review for major, minor, and exempt projects. The policies promote evaluation of projects in terms of local concern for scale and character and compliance with development standards with respect to other specific siting factors. Evaluation is also directed to identifying projects for which no discretionary review is required and which have little or no impact. The Plan focuses on promoting efficient use of land resources, achieving aesthetic and other Community values and preventing safety hazards, externalities and incompatibility between land uses. The Plan provides a consistent procedure for identifying suitable locations for facilities and regulating development factors such as height, setbacks, landscaping, color, access and parking, in a manner which does not prevent establishment of a telecommunications service for which a Federal License has been issued.

The County's adopted Telecommunications Policy Plan provides the telecommunications industry with a clear written disclosure, in advance, of local Community procedures and regulatory requirements which can be utilized by the industry in their site planning process and relied upon to avoid any possibility of unreasonable delays due to land use permit considerations. The County's Plan establishes a fair and efficient process which can be consistently applied without discrimination between often competing telecommunications companies in the siting of local facilities. If the County's Plan Policies are pre-empted as proposed, this would create havoc as local community groups and concerned citizens scramble to address local land use issues and begin to lobby their local elected officials to represent their community concerns to the F.C.C. on each project. Those community groups and individuals would also likely seek to address their local concerns to the F.C.C. directly, (and perhaps, as is now the case with some projects in the County, through their attorneys) embroiling the Commission in local land use and health and safety issues for each specific site that is considered.

We believe that the Commissions' taking direct responsibility for local Community issues is ill advised and we strongly urge you to reject the petition for the proposed rule change pre-empting local control of these matters as they relate to locating and constructing telecommunications facilities in local jurisdictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Rose", written over a circular stamp or seal.

Annette Rose

President of the Board

AR/TH/bt:bos:bosltr.doc

cc: Ms. Rachelle Chong, FCC Commissioner
Congresswoman Lynn Woolsey
Senator Barbara Boxer
Senator Diane Feinstein
Ira R. Alderson, Jr., Attorney for State P.U.C.
Sonoma County Board of Supervisors
Sonoma County Planning Dept., Attn: Greg Carr